

Account
tetrahydrofuran, 1,1,2-trimethylene oxide, diisobutylene oxide, α -methylstyrene oxide, and mixtures thereof.

REMARKS

Claims 1-14 remain in the application with Claim 1 being independent.

The Examiner had required restriction to the inventions of either Group I, Claims 1-12, drawn to a catalyst composition, or Group II, Claims 13 and 14, drawn to a method for preparing polyetherols and a polyetherol. During a telephone conversation with Mr. Borrego on July 11, 2000, a provisional election was made with traverse to prosecute the invention of Group I, Claims 1-12. Applicants hereby affirm election of Group I, Claims 1-12 for prosecution.

The Examiner rejected Claims 1-12 under 35 USC § 112, second paragraph, as being indefinite. Specifically, the Examiner alleged:

The claims are indefinite because they are inconsistent. As claimed, components a and b must both be present. The proviso, however, states that at least 2 of components b to e must be present. This proviso would indicate that component b is not required. The inconsistency should be resolved. Claim 11 is further indefinite in the recitations of the "alcohols used are". Proper Markush language should be employed.

Claim 1 has been amended to insert the phrase "and/or" thus removing the inconsistency. In addition, Claim 11 has been amended to incorporate proper Markush language. Thus, the rejection of Claims 1-12 under 35 USC § 112, second paragraph, is overcome and should be withdrawn.

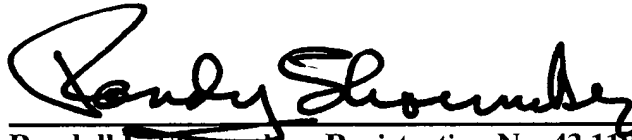
The Examiner provisionally rejected Claims 1-12 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-6 of co-pending

Application No. 09/324,145 in view of *U.S. Patent No. 3,278,457 to Milgrom*. Applicants submit herewith a Terminal Disclaimer disclaiming the terminal portion of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on co-pending second application Serial No. 09/324,145, filed on June 2, 1999. Thus, the non-statutory provisional obviousness type double patenting rejection of Claims 1-12 is overcome.

Applicant's attorney respectfully submits that Claims 1-12 as amended are now in condition for allowance and respectfully requests such allowance.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS



Randall L. Shoemaker, Registration No. 43,118
Howard and Howard Attorneys, P.C.
The Pinehurst Office Center, Suite 101
39400 Woodward Ave.
Bloomfield Hills, MI 48304-5151
(248) 723-0425

January 17, 2001
Date


A



Attorney docket # 7331

CERTIFICATE OF MAILING

I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Box Fee Amendment, Assistant Commissioner of Patents, Washington, D.C. 20231, on **January 17, 2001**.


Irene M. Brown

RECEIVED
JAN 23 2001
TECHNOLOGY CENTER 1700

G:\B\BASF\Patents\lp00099\Patent\Amendment01.doc

H&H 65,205-099

A